



# भारत का राजपत्र

## The Gazette of India

प्रसारण

## EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में अलग पाठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 13th September, 1991:—

## I

## BILL NO. L OF 1990

A Bill to provide for payment of monthly financial assistance and for other necessary facilities to the member's of the families of persons killed in terrorists violence in different parts of the country and matters connected therewith.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Rehabilitation and Financial Assistance to Victims of Terrorism Act, 1990.

Short title,  
and com-  
mence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For the purposes of this Act, the term 'terrorist act' shall have the same meaning as is assigned to it in sub-section (1) of section 3 of the Terrorist and Disruptive Activities (Prevention) Act, 1987.

Def-  
inition

Payment  
of finan-  
cial assis-  
tance to  
families  
of victims  
of ter-  
rorism.

Employ-  
ment to  
one  
member  
of victims  
family.

Employ-  
ment-cum-  
identity  
Book

Power to  
make  
rules.

**3. (1) The Central Government shall pay financial assistance at the rate of rupees one thousand per mensem to the family of a person killed in any act of terrorism in any part of the country.**

(2) The provision of sub-section (1) shall be in addition to and not in derogation of any other law for the time being in force, regulating any of the matters dealt with in this Act.

**4. If any person killed in a terrorist violence is the sole earning member of a family, the Central Government shall provide suitable employment to at least one eligible member of the family of the victim within three months of such violence:**

Provided that if there is no one eligible for immediate employment, the Central Government shall provide, free of cost all the medical care, maternity benefits and education whether technical or otherwise to the children of the family of the victim before providing one of them with gainful employment.

*Explanation.*—For the purpose of this section, the expression "family" means husband, wife and dependent parents and children.

**5. (1) For every person, who has been provided with employment under this Act, there shall be given an employment-cum-identity book wherin all particulars relating to his employment, Financial assistance and other benefits shall be entered from time to time in such manner as may be prescribed by the Central Government.**

(2) If any person does not perform the duty/work assigned to him under section 4 above properly and faithfully, an entry to that effect shall be made in his employment-cum-identity book.

**6. (1) The Central Government may make rules for carrying out the provisions of this Act.**

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

Terrorist violence has claimed lives of a large number of innocent citizens of our country. The tragedy of the situation is heightened by the fact that dependents of these unfortunate victims of terrorist violence are often left with no means of support. The trauma caused by the death of the bread-winner and the sudden deprivation of means of livelihood ruin their lives. Many families have been ruined and more are likely to be ruined as a result of escalation of the terrorist violence. The State should provide dependents of the victims with a stable income and certain essential facilities.

This Bill seeks to provide for payment of financial assistance to the family of a person killed as a result of terrorist violence and also to ensuring the provision of a job to atleast one member in the family of the deceased if the deceased is the sole earning member of his family.

Hence this Bill.

RAMDAS AGARWAL

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a monthly financial assistance of rupees one thousand to the family of the person killed as a result of terrorist violence. Clause 4 provides for the provision of a job to one eligible member of the family of a person killed as a result of terrorist violence, by the Central Government, if the person killed is the only earning member of his family and if no member of the family is eligible for the job offered, the Central Government shall provide free of cost medical care, maternity benefits and education whether technical or otherwise, to members of that family so that one of the member may become eligible to join the job so offered. The Bill, therefore, if enacted, is likely to involve an annual recurring expenditure of about rupees two crores from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

**II****BILL NO. XXXV OF 1991**

*A Bill to provide for employment and resources for self employment to all adult citizens for eradication of unemployment from the country and for matters connected therewith.*

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Eradication of Unemployment Act, 1991.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) "Government" means the Central Government;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "State" includes the Central Government, State Government, Union Territory, Administration and all local or other authorities under the control of the Central or State Government.

Short title,  
extent  
and  
commencement.

Definitions.

Employ-  
ment to  
adult  
citizens.

Financial  
assistance  
to unemp-  
loyed  
citizens

Facilities  
for self  
employ-  
ment

Em-  
ployees  
not to in-  
volve in  
any other  
activities.

Periodi-  
cal pro-  
motions  
to em-  
ployees.

Power to  
make  
rules.

**3. The State shall endeavour to provide every adult citizen with employment suited to his age, qualification and strength within a time frame after the commencement of this Act.**

**4. The Government shall grant monthly financial assistance to every un-employed citizen at the rate, as may be prescribed, till such time he is provided with employment under section 3 of this Act.**

**5. The State shall provide loans from Treasuries, Banks and other financial institutions on easy terms and minimum interest to the unemployed citizens alongwith other facilities required for the purpose of self employment.**

**6. (1) No citizen shall after he secured a job involve himself in any activity other than his employment resulting in financial or other gains**

**(2) Any person violating the provisions of sub-section (1) shall be dismissed from service with immediate effect.**

**7. It shall be obligatory on the part of the State to ensure periodical promotions to all employees on the basis of tests or their performance.**

**8. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.**

### STATEMENT OF OBJECTS AND REASONS

The problem of galloping unemployment in our country has assumed menacing proportions and has become a major and explosive national problem of the day. Even the educated citizens right from Matriculates to Post-graduates and even Engineers, Doctors and Other Professionals become indigent. Lack of opportunities of employment in the country is also leading to brain drain and exodus of a large number of skilled and unskilled persons abroad. But the problem is not merely confined to brain drain but it is becoming the major cause of unrest among the youth and to a great extent becoming a law and order problem for the State because when the youth remains unemployed he is easily lured by the anti-social and anti-national forces such as smugglers, drug traffickers, and terrorists. In that eventuality instead of working for building the nation the youth joins the forces aiming at destabilising the nation which is a matter of worry for all nationalist and peace loving people of our country. Unemployment is one of the major causes for the present day state of affairs in the troubled States of Punjab, Jammu and Kashmir, Assam and other North Eastern States of the country where the youth is opting for guns in the absence of employment. In the rural areas generally the uneducated and less educated youth is engaged as agricultural worker and daily wage earner but he too does not get work for the whole year. As a result more and more youngmen are joining the Naxal movement or *Senas* coming up on communal and caste lines in rural India.

Thus eradication of unemployment should be the first priority of the State today. Though there is acute shortage of resources but to ignore the burning problem of unemployment under this pretext will prove to be suicidal to the country. Therefore, it is time that connected efforts are made by the State to ensure employment to the citizens of the country and also to provide maximum facilities for getting self employment to more and more unemployed youth so that they contribute to nation building. In rural areas, schemes have to be implemented in such a way that work is available throughout the year to the rural youth.

Hence this Bill.

SURESH PACHOURI.

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for employment to all adult citizens by the State. Clause 4 provides for financial assistance for unemployment. Clause 5 provides for facilities for self employment. If enacted, the Bill will involve expenditure from the consolidated Fund of India to the tune of rupees one thousand crores as recurring expenditure per annum.

A non-recurring expenditure of rupees one hundred crores is also likely to be involved

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The delegation of legislative power will relate to matters of details only. The delegation of legislative power is, therefore, is of normal character.

## III

## BILL No. XXXIX OF 1991

*A Bill to provide for the establishment of a rural labour welfare fund for promoting the welfare of the rural labour employed in the agriculture and other rural occupations and matters connected therewith.*

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Rural Labour Welfare Fund Act, 1991.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "Advisory Committee" means the Advisory Committee constituted under section 6;

(b) "Commissioner" means the Rural Labour Welfare Fund Commissioner appointed under section 8 and includes any Officer authorised to exercise any of his functions under this Act;

(c) "employer" means the cultivator, orchard owner, poultry farm owner, agency, society including co-operative society or any establishment in a rural area which employs rural labour;

(d) "Fund" means the Rural Labour Welfare Fund established under section 3;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "rural labour" means any person engaged in agriculture, sericulture, poultry, horticulture, handicrafts or any related occupation in rural area as a wage earner, whether in cash or kind, for his livelihood and includes a person engaged through a contractor or engaged as a self employed person.

**Establishment of Fund.**

3. (1) With effect from such date, as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be constituted for the purposes of this Act, a Fund to be called the Rural Labour Welfare Fund which shall be operated by an Authority with its headquarters at Bhopal in the State of Madhya Pradesh.

(2) The Central Government shall after the appropriation made by Parliament in this behalf, credit to the Fund in each financial year such sums of money as it considers necessary for carrying out the purposes of this Act.

**Utilisation of Fund.**

4. (1) The Fund shall be utilised by the Central Government to meet the expenditure in connection with measures which in the opinion of the Central Government, after consulting the Governments of the States and Union Territory Administrations, are necessary or expedient to promote the welfare of the rural labour and in particular,—

(a) to defray the cost of measures to be carried out for the benefit of rural labour directed towards—

(i) providing and improving water supply for drinking and other purposes;

(ii) providing and improving educational facilities;

(iii) the improvement of standard of living and nutrition;

(iv) amelioration of social conditions;

(v) providing and improving housing and recreational facilities;

(vi) rendering financial assistance in case of infirmity or disability due to accident, old age etc;

(vii) providing and improving such other welfare measures as may be prescribed.

(b) to grant loan, assistance or subsidy to any State Government, Union Territory Administration, local authority or any organisation in aid of any scheme approved by the Central Government for the purposes connected with the welfare of rural labour;

(c) to pay annually grants-in-aid to any State Government, Union Territory Administration, local authority or an employer or any other or-

ganisation which provides to the satisfaction of the Central Government welfare measures and facilities of the prescribed standard for the benefit of rural labour;

(d) to meet the cost of administering the Fund;

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

(2) The Central Government shall publish annually in the Official Gazette report of the activities financed from the Fund.

**5. (1) The Central Government may constitute as many Advisory Committees as it thinks fit to advise the Central Government on such matters arising out of the administration of this Act or the Fund:**

Advisory Committees.

Provided that at least one Advisory Committee for each State and Union Territory shall be constituted by the Central Government in consultation with the respective State Government and Union Territory Administrations.

(2) The members of the Advisory Committee shall be appointed by the Central Government and shall be of such number and chosen in such manner as may be prescribed.

(3) The Chairman of each Advisory Committee shall be appointed by the Central Government for such term as may be prescribed.

(4) The term of office of members and other conditions of service shall be such as may be prescribed.

**6. (1) The Central Government shall constitute a Central Advisory Committee to co-ordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the administration of this Act.**

Central Advisory Committee

(2) The members of the Central Advisory Committee shall be appointed by the Central Government and shall be of such number and chosen in such manner as may be prescribed.

(3) The Chairman of the Central Advisory Committee shall be appointed by the Central Government for such term as may be prescribed.

(4) The term of office of members and other conditions of service shall be such as may be prescribed.

**7. (1) The Central Government may appoint as many Rural Labour Welfare Fund Commissioners, Inspectors and such other officers and staff as it thinks necessary for carrying out the purposes of this Act.**

Appointment and powers of Officers.

(2) Every person appointed under this section shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

(3) Any officer or inspector appointed under this Act, may,—

(a) with such assistance, if any, as he may think fit, enter at any reasonable time any place which he considers it necessary to enter for carrying out the purposes of this Act;

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed.

State  
Govern-  
ment etc.  
to furnish  
informa-  
tion.

Power to  
make  
rules.

8. The Central Government may require a State Government or Union Territory Administration or a local authority or an employer to furnish for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for,—

(a) the manner in which the fund may be applied or;

(b) the conditions governing the grant of loan or subsidy;

(c) the conditions governing grant-in-aid;

(d) the standard of welfare measures and facilities to be provided out of the fund;

(e) the composition of the Advisory Committees and Central Advisory Committee constituted under sections 5 and 6 respectively, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them and the manner in which the Advisory Committee and the Central Advisory Committee shall conduct their business;

(f) the recruitment, conditions of service and duties of all persons appointed under section 7;

(g) the powers that may be exercised by an officer or inspector appointed under section 7;

(h) any other matters which has to be or may be prescribed or provided for under this Act.

### STATEMENT OF OBJECTS AND REASONS

India resides in villages and 85 per cent of its population earns its livelihood from agriculture. There are cultivators, orchard owners, poultry owners, agricultural workers and homebased workers in the rural areas. Their number runs into crores. However their wages and income are meagre and many of them do not get employment throughout the year. This rural labour also becomes easy prey to the debt trap of the landlords and moneylenders who force them to become bonded labourers. Most of them remain very poor throughout their lives and are living in this distress from generations together.

In a Welfare State like ours there are no welfare schemes or funds for these hapless rural labourers whereas in the industrial sector there are Labour Welfare Boards and cess is levied and collected through legislative measures in order to provide them with various amenities including housing, education and medical care. But the rural labour in unorganised and poverty stricken and thus are neglected even by the state at the national level.

It is, therefore, necessary that the deteriorating plight of rural workers be felt at the national level and the Central Government should establish a Rural Labour Welfare Fund for financing adequately and systematically the welfare measures to be carried out for the rural and agricultural labour throughout the country so as to achieve the goals of Welfare State in its true sense.

Hence this Bill.

SURESH PACHOURI.

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Fund. Clause 5 provides for constitution of Advisory Committees. Clause 6 provides for constituting a Central Advisory Committee. The Bill, if enacted, will involve expenditure from Consolidated Fund of India but it is not possible at this stage to give the precise details of the expenditure that would be involved. It is, however, estimated that it will involve a recurring expenditure of about rupees two hundred crores per annum.

It will also involve a non recurring expenditure of about rupees fifty lakh.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill provides that Central Government may make rules for carrying out the purposes of this Bill. The delegation of legislative power will relate to matters of details only which is of normal character.

## IV

BILL No. XLIV of 1991

*A Bill to provide for promoting small family norms in the country and to empower the Central Government to take measures to give incentives for small families and motivate people to adopt small family norms and put family welfare measures on a statutory footing and for matters connected therewith.*

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

<b>1.</b> (1) This Act may be called the Small Family (Incentives and Motivation) Act, 1991.	Short title, extent and commencement.
(2) It extends to the whole of India.	
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	
<b>2.</b> In this Act, unless the context otherwise requires “small family” means a family consisting of the husband, wife and two dependent children.	Definition.

Central Government to formulate new National Population Policy.

Steps to promote and motivate for a small family among the general public.

Small family norms for Government employees, etc.

Application of provisions to employees of private sector.

**3. The Central Government shall with the active co-operation of the Governments of the States and Union Territory Administrations, formulate a new National Population Policy which shall spell out the incentives and disincentives to be given to the citizens for planning their families after the commencement of this Act.**

**4. (1) The Central Government shall take all economic, educational, legal, medical and social steps to promote small family norms so as to check the growth of population in the country and to ensure to bring the birth rate to zero per cent within a time frame to achieve rapid economic progress and raise the standard of living of the people.**

**(2) The steps referred to in sub-section (1) may include,—**

**(a) laying down the small family norms;**

**(b) payment of incentives both monetary and material to those who practice family planning after procreating not more than two living children;**

**(c) giving preference to persons practising family planning or adopting small family norms in the matter of recruitment and promotions in services or posts in connections with the affairs of the Union or State;**

**(d) advancement of loans on easy terms and allotment of land, plot, house site or ready built houses by the Central Government, State Governments and Union Territory Administrations and their agencies such as Banks, housing Boards etc;**

**(e) giving educational facilities in Kendriya and Navodaya Vidyalayas and Scholarship or other financial assistance for continuing studies at school and college levels including medical and engineering colleges throughout the country.**

**5. (1) Any Government or public sector undertakings employee, who has more than two living children shall not be entitled to any further annual increment or promotion in service.**

**(2) The provisions of sub-section (1) shall not apply to those employees referred to in that sub-section who have more than the prescribed number of living children on the date of commencement of this Act:**

**Provided that the provisions of sub-section (1) shall apply to those Government and Public Sector Undertakings employees who after a period of one year of the commencement of this Act, procreate another living child and thereby the number of living children of such employees increases to more than the prescribed number,**

**6. The provisions of section 6 shall apply mutatis mutandis to employees in the private sector.**

7. Any woman, who has two living children shall not be provided with maternity benefits in any Government hospital, dispensary, primary health centre for the birth of her third child :

Provided that if such a woman agrees to undergo sterilisation operation after the birth of her third child she shall be provided with maternity benefits in such Hospital, dispensary or Primary Health Centre, as the case may be, for the both of her third child.

Woman  
not be  
given  
mater-  
nity  
benefits  
in certain  
cases.

8. Any employee of the Government or of a public sector undertaking, who undergoes sterilisation operation after the birth of his first or second child shall be given four advance increments and six months additional salary alongwith other benefits as may be prescribed as an incentive.

Incent-  
ive to  
Govern-  
ment  
Employ-  
ees.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power  
to make  
rules.

10. The Central Government shall lay on the Table of each House of Parliament an annual report containing the progress achieved in the implementation of the provisions of this Act.

**STATEMENT OF OBJECTS AND REASONS**

The population of India is a growing phenomenon and the root cause of almost every problem which the nation is facing today. In 1947 when we achieved independence our population was 34.2 crores which rose to 68.3 crores in 1981 and in 1991 it has shot upto 85 crores. In fact the population is increasing by 1.7 crores every year. It is projected that by the turn of the century India shall have more than 100 crore people which will make the country over populated. Even at present with 2.4 per cent of the global land area India has 15 per cent of the world population thereby making it one of the most densely populated nation of the world. The breakdown of civic amenities due to over-crowding, law and order situation, unemployment and widening of the gap between the haves and have-nots has progressively created an explosive situation. Agricultural land holdings are fast becoming small and uneconomical. The needs for housing are far beyond the available finances and educational facilities are hopelessly inadequate to meet with the existing demands. There is no balance between population growth and the available opportunities.

It is, therefore, necessary to check the population growth and the problem should be tackled at all levels. The message of small family should not be confined merely to provide motivation to the eligible couples but the State should take every step such as economic, educational, legal, medical and social to control the growth of population to achieve the laudable goals spelt out in the Directive Principles of State policy in our Constitution. The State should lay down the norms of small family and provide incentives. Thus to save the country from disaster and for raising the standard of living of the people we shall have to opt for hard actions and unpopular steps. We shall have to bring the average annual population growth rate to zero within a time frame.

Hence this Bill.

SURESH PACHOURI.

### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for steps to promote and motivate for a small family among general public by giving certain incentives. Clause 9 provides for incentives to Government employees. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crores will be incurred as recurring expenditure per annum. A non recurring expenditure of about rupees one crore is also likely to be incurred.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill provides that Government may make rules for carrying out the purposes of the Bill. The rules may relate to matters of details only. Hence the delegation of legislative power is of normal character.

## V

## BILL NO. XLVI OF 1991

*A Bill to provide for compulsory desiltation of Dams and Rivers by the State and matters connected therewith.*

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Desiltation of Dams and Rivers, Act, 1991.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act unless the context otherwise requires,—

(a) "Dam" means a barrier constructed over a river to hold back its water to form a reservoir for preventing floods and other purposes;

(b) "river" includes any stream, canal, creek or other channels whether they are natural or artificial;

Short title,  
extent  
and com-  
mence-  
ment.

Defini-  
tions.

(c) "desiltation" means removing of sediments of rocks and clay deposited by flowing water in a river or dam.

National plan for desiltation of dams and rivers.

Compulsory desiltation of dams and rivers.

Central Government to provide machinery and knowhow.

Financial assistance not to be given in certain cases.

Indemnity not to be given to erring officials.

Central Government to undertake desiltation of Ports.

Power to make rules.

**3. The Central Government shall formulate a National Plan for desiltation of dams and rivers of the country, from time to time, as a measure towards combating floods.**

**4. Every State and Union Territory Government shall carry out compulsory desiltation of dams located and rivers flowing through its territory during the lean periods of the year after demarcating a definite part thereof within a time frame under the direct supervision of the Central Water Commission.**

**5. The Central Government shall provide to every State Government necessary machinery for desiltation of dams and rivers therein and shall also provide intensive training to the personnel engaged in the desiltation operations.**

**6. Every State Government which does not accomplish the desiltation work prescribed under Section 4 of this Act shall not be given any financial assistance if it is affected by flood water of the river which was not desilted by the concerned State Government:**

Provided that the provisions of this section shall not apply if the State is affected by floods even after desiltation of the river.

**7. (1) All the supervisory officers entrusted with the work of desiltation of dam or river within the prescribed time frame, shall not be covered by indemnity if they do not complete work within the time frame or they do not even start the work and legal proceedings shall lie against them for negligence.**

**(2) If the offence of negligence is proved against such officers referred to in the foregoing provision under this Act they shall be dismissed forthwith without giving them any future benefits whatsoever.**

**8. The Central Government shall undertake the desiltation of all the Dams and Ports within a time frame.**

**9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**

### STATEMENT OF OBJECTS AND REASONS

Sedimentation of rivers, dams, ports and seas is a natural process. The flowing waters of rivers continuously bring particles of rocks and clay while flowing from one place to other and layers of silt continues to be deposited at the bottom of the river, dam, port and sea which continues to raise their bottom levels in natural ways. When the silt hardens it raises the bottom but reduces the depth of the river, dam, port and sea. When the depth is reduced the river, dam, port or sea cannot carry extra water in them and the water level is raised to such an extent that water crosses their banks and starts flowing outside. Thus sedimentation or silt of rivers is one of the main causes of floods in our country as the silt raises the bottom level of the rivers. If desiltation is carried out regularly floods can be contained to a great extent.

It is a matter of serious concern that the Central as well as several State Governments have imported desiltation machinery and equipments from abroad or have also purchased them from the domestic market but they are not using them at all. Either the irrigation departments do not have trained personnel for operating these machines or equipments or they deliberately do not use these equipments for desilting because floods give them rich dividends in the form of disbursing assistance to the affected ones. As a result these machines become junk in the course of time and exchequer suffers heavy losses in both the ways. If desiltation is made compulsory and protection of indemnity is taken away for the responsible authorities losses to the nation can be prevented both from the floods and turning the equipments into junk. At the same time those States who do not get the desiltation done within a time frame should not be given any assistance for combating floods. It will have a good effect on the negligent States.

Hence this Bill.

S. S. AHLUWALIA.

### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for compulsory desiltation of rivers and dams. Clause 5 provides that Central Government to provide machinery and knowhow for desiltation. Clause 8 provides that Central Government to undertake desiltation of major ports. If enacted, the Bill will involve expenditure from the Consolidated Fund of India. It is expected that a sum of rupees one hundred crores is likely to be incurred as recurring expenditure per annum from the Consolidated Fund of India.

A non recurring expenditure of rupees fifty lakhs per annum is also likely to be incurred.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

THE GOVERNMENT OF INDIA IN THE MINISTRY OF HOME AFFAIRS  
THE GAZETTE OF INDIA EXTRAORDINARY

## VI

Bill No. XLV of 1991

*A Bill further to amend the Indian Penal Code, 1860.*

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

45 of 1860.	1. This Act may be called the Indian Penal Code (Amendment) Act, 1991.	Short title.
	2. In the Preamble to the Indian Penal Code 1860 (hereinafter referred to as the Principal Act), the words "whereas it is expedient to provide a general Penal Code for India" shall be omitted.	Amend- ment of the Pream- ble.
	3. For section 1 of the principal Act, the following section shall be substituted, namely:—	Substi- tion of new section for sec- tion 1.
	<ul style="list-style-type: none"> <li>1. (1) This Act may be called the Penal Code, 1860.</li> <li>(2) It extends to the whole of India."</li> </ul>	Short title and extent.

Omission  
of section  
18.

4. Section 18 of the principal Act shall be omitted.

Amend-  
ment of  
section  
269.

5. In section 269 of the principal Act, for the words "six months" the words "two years" shall be substituted.

Amend-  
ment of  
section  
272.

6. In section 272 of the principal Act, for the words "six months, or with fine which may extend to one thousand rupees" the words "two years, or with fine which may extend to twenty thousand rupees" shall be substituted.

Amend-  
ment of  
section  
273.

7. In section 273 of the principal Act, for the words "six months, or with fine which may extend to one thousand rupees" the words "two years, or with fine which may extend to ten thousand rupees" shall be substituted.

Amend-  
ment of  
section  
274.

8. In section 274 of the principal Act, for the words "six months, or with fine which may extend to one thousand rupees" the words "five years, or with fine which may extend to twenty thousand rupees" shall be substituted.

Amend-  
ment of  
section  
275.

9. In section 275 of the principal Act, for the words "six months, or with fine which may extend to one thousand rupees" the words "five years, or with fine which may extend to ten thousand rupees" shall be substituted.

Amend-  
ment of  
section  
278.

10. In section 278 of the principal Act, for the words "five hundred rupees" the words "five thousand rupees" shall be substituted.

Amend-  
ment of  
section  
279.

11. In section 279 of the principal Act, for the words "six months, or with fine which may extend to one thousand rupees" the words "six years, or with fine which may extend to ten thousand rupees" shall be substituted.

Amend-  
ment of  
section  
290.

12. In section 290 of the principal Act, for the words "two hundred rupees" the words "two thousand rupees" shall be substituted.

Amend-  
ment of  
section  
304A.

13. In section 304A of the principal Act, for the words "two years" the words "ten years" shall be substituted.

Amend-  
ment of  
section  
309.

14. In section 309 of the principal Act, for the words "with simple imprisonment for a term which may extend to one year or with fine or with both" the words "with fine which may extend to one hundred rupees" shall be substituted.

GOVERNMENT OF INDIA IN THE MINISTRY OF HOME AFFAIRS, NEW DELHI.

**15.** In section 376 of the principal Act, after sub-section (2) the following sub-section shall be inserted, namely:—

“(3) Notwithstanding anything contained in sub-section (2) whoever commits rape on a woman when she is under ten years of age shall be punished with death”

Amend-  
ment of  
section  
376.

**16.** In section 497 of the principal Act for the words “In such case the wife shall not be punishable as an abettor” the words “In such case the wife shall also be punishable as an abettor for a term which may extend to five years” shall be substituted.

Amend-  
ment of  
section  
497.

## STATEMENT OF OBJECTS AND REASONS

The Indian Penal Code, though a masterpiece legislation was enacted at the Westminster by the colonial regime of Britishers to rule the Indian masses. So the title given to the code was "Indian Penal Code". Even after achieving independence this code remains in force with the same title and the word "Indian" in the title gives a bad taste and reminds the atrocities committed by the Britishers on the freedom fighters of our country under this code. So the word "Indian" in the title of the code requires to be omitted forthwith and the same has been proposed in the Bill. Similarly if we go through this code it appears in the plain sense of interpretation as if Jammu and Kashmir is a separate State and not a part and parcel of our country. This has to be removed by suitably amending the code.

These days some heinous crimes such as adulteration of food and medicines, polluting air and water to the poisonous level, rash and negligent driving on congested roads endangering the lives of road users and even causing death on roads are increasing manifold day by day. One of the reasons of such an increase in such crimes is very meagre quantum of punishment prescribed in the Penal Code. It has, therefore, been proposed to enhance the punishment for such crimes to have a deterrent effect on the law breakers.

Of late cases of rape on women have increased manifold but the worst part of this crime is rape on minor girls who are even below five years of age and in some worst cases infant girls of a few months have brutally been raped by adult males. In such cases there should be no leniency at all and such rapists must be hanged to death.

Similarly the crime of adultery in section 497 of the Code does not give equality to both the sexes. This section provides punishment only for the male who commits adultery since adultery with a married woman. Since adultery can be committed only with the consent of a married woman it is unfair to prosecute only the male and not the female. In the recent past in a case of adultery the Supreme Court had agreed that section 497 of I.P.C. is unjustified but going by the law as it is at present the Supreme Court could not prosecute the woman. Hence it is proposed to suitable amend section 497 of the Indian Penal Code to bring the woman at par with the man in case of adultery.

This Bill seeks to achieve the above objects.

S. S. AHLUWALIA.

**52.** Notwithstanding anything in the relevant Act or any other law for the time being in force the Tree Authority shall subject to any general or special order of the State Government be responsible for—

Duties of  
Tree Au-  
thority.

- (a) the preservation of all trees within its jurisdiction;
- (b) obtaining declarations from all owners or occupants about the number of trees in their lands;
- (c) specifying the standards regarding the number and kind of trees which each locality, type of land and premises shall have;
- (d) assisting private and public institutions connected with planting and preservation of trees; and
- (e) undertaking such schemes or measures as may be directed from time to time for achieving the objectives of these provisions.

**53.** (1) As soon as may be after these provisions are brought into force in any urban area the State Government shall appoint one or more Forest Officers not below the rank of a Forest Range Officer as Tree Officer for the said urban area.

Appoint-  
ment of  
Tree  
Officer.

(2) Every Tree-officer shall exercise jurisdiction over the whole or such part of the urban area as the State Government may from time to time determine.

**54.** (1) On and after the date on which these provisions are brought into force in any urban area, notwithstanding any custom, usage, contract or law for the time being in force no person shall fell any tree or cause any tree to be felled in any land whether in his ownership or occupancy or otherwise situated within that urban area except with the previous permission of the Tree Officer.

Restric-  
tions on  
felling of  
trees.

(2) On receipt of an application from any person to fell any standing tree or to cut, remove or otherwise dispose of the fallen tree, the Tree Officer shall, after making such inquiry as he may think fit, either grant permission in whole or in part or refuse the permission applied for:

Provided that no such permission shall be refused if the tree—

- (i) is dead, diseased or wind-fallen, or
- (ii) has silviculturally matured, or
- (iii) constitutes a danger to life or property; or
- (iv) constitutes obstruction to traffic; or
- (v) is substantially damaged or destroyed by fire, lightening, rain or other natural causes.

(3) The Tree-Officer shall decide the issue and communicate his orders granting or rejecting the permission applied or in whole or in part within forty-five days of the receipt of the application failing which the permission shall be deemed to have been granted.

(4) Where permission to fell any standing tree or to cut, remove or otherwise dispose of the fallen tree/trees is granted, the applicant shall plant or raise by coppice another tree or trees of the same or other

Promotion of cultivation of sunflower.

Research on palm and Sunflower cultivation.

Promotion of mustard and groundnut cultivation.

Restriction on direct use of cotton-seeds and penalty for violation.

Cotton ginning factories to keep records.

Ban on export of edible oil seeds. Scheme for collection of minor oilseeds and payment of development grants.

**4. The Central Government shall promote the cultivation of sunflower especially in tracts consisting sandy loams or black loams and which are unsuitable for groundnut cultivation and other crops and shall establish a special cell in the Union Ministry of Agriculture for the purpose of rapidly expanding cultivation of sunflower.**

**5. The Agricultural Universities in the country shall undertake special research in the case of palm and sunflower cultivation and for the purpose the Central Government shall provide special financial assistance to them.**

**6. (1) The Central Government shall formulate a national plan to promote the cultivation of mustard and groundnut in the country and shall give to the cultivators special incentives for rapidly expanding cultivation of mustard and groundnut in the country.**

**(2) The Central Government shall give special developmental financial assistance to the State which exceeds the targets of mustard and groundnut cultivation and production as may be fixed by the Central Government.**

**7. (1) After the commencement of this Act, the use of cotton-seeds for directly feeding the cattle or for putting it to use before oil extraction therefrom shall be unlawful.**

**(2) Any violation of the provisions of sub-section (1) shall be punishable with simple imprisonment for one month or with fine which may extend to rupees five hundred or with both.**

**8. (1) Every cotton ginning factory shall keep a record of cotton ginned by it and shall make all the cotton seed available for solvent extraction.**

**(2) The Central Government shall give financial incentives to every cotton ginning factory which delivers to the extraction plants cent percent of the cotton seed collected by it after completing the ginning process.**

**9. With effect from the date of commencement of this Act export of all kinds of edible oilseeds shall be totally banned.**

**10. (1) The Union Ministry of Agriculture in co-operation with the Agriculture Ministries in the States and Agricultural Departments of the Union Territories shall formulate and implement a scheme for the collection of minor oilseeds like Neem Seeds, Sal Seeds, Kusumba Seeds, Tarumira Seeds, Arandi Seeds and Karanja Seeds presently going waste and the scheme so formulated shall also provide for engaging beggars and unemployed persons for this purpose.**

**(2) The Union Ministry of Agriculture shall fix targets for collection of seeds referred to in sub-section (1) and States or Union Territories which exceed targets shall be given special development grants.**

THE ENVIRONMENT PROTECTION ACT, 1986

**11.** It shall be the duty of the Central Government to help the soap manufacturers increasingly to shift from the use of oils to the use of chemical detergents in the manufacture of soaps within a time frame.

Shift  
from use  
of oil to  
deter-  
gents in  
soap  
manufac-  
ture.

**12.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make  
rules.

**(2)** If the Authorised Officer fails to give his decision within the time limit specified in sub-section (1), the permission referred to shall be deemed to have been granted.

**(3)** Every permission granted under these provisions shall be in such form and subject to such condition, for ensuring regeneration of area and replanting of trees or otherwise as may be prescribed by the State Government.

**Planting adequate number of trees in rural areas.**

**66.** (1) When the Authorised Officer is of the opinion that trees should be planted in any blank area situated in the specified rural areas mentioned in section 62, he may issue a notice to the owner, occupier or tenure holder of such blank area to show cause why trees should not be planted in such areas as may be specified in such notice.

(2) The notice referred to in sub-section (1), shall be given in such form and shall contain such particulars and shall be served in such manner as may be prescribed by the State Government.

(3) The Authorised Officer may after considering the replies if any, given by the claimant, direct him to plant such manner and class of trees as may be specified in these directions.

**Appeals to Authorised Officer.**

**67.** (1) Any person aggrieved from any directions given under sub-section (3) of section 65 and sub-section (3) of section 66 may, within thirty days from the date of receipt of such direction, prefer an appeal to the officer so authorised by the Government in this regard.

(2) The officer so authorised shall not be of the rank below that of Conservator of Forests and his decision shall be final.

**Obligation to plant trees.**

**68.** (1) Every person who is under an obligation to plant trees under section 65 or to whom any direction has been given under section 66, shall plant the trees in accordance with such direction in the following rainy season or with such extended time as the Authorised Officer may allow.

(2) In case of default by such persons, the Authorised Officer may cause trees to be planted and may recover the cost of plantation from such persons.

**Seizure by Forest Officer.**

**69.** When there is reason to believe that any tree has been felled or cut or removed in contravention of the provisions of this Act, the wood of such tree together with vehicles, ropes, tools, chains, cattle, if any used in such contravention may be seized by any Forest Officer and the accused shall be proceeded against as provided under section 91 of section 106.

**Penalties for felling trees in rural areas.**

**70.** Whoever fells or causes to be felled any standing tree or cuts, remove or otherwise disposes of any fallen tree in contravention of the provisions of this Chapter or any rules made thereunder or contravenes any condition of any permission granted under the provisions of this Chapter, shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

## FINANCIAL MEMORANDUM

Clause 3 provides for Palm cultivation by Government and to set up a special cell for the purpose in the Union Ministry of Agriculture. Clause 5 provides for financial assistance to Agricultural Universities for conducting research on Palm and Sunflower. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that it will involve recurring expenditure of about Rupees Fifty crores per annum which will progressively fall after the transitional period. The Bill is not likely to involve any non recurring expenditure from the Consolidated Fund of India.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 12 of the Bill gives the Central Government power to make rules for carrying out the purposes of the Bill which will relate to matters of details only.

The delegation of legislative power is of a normal character.

## VIII

BILL No. XLVIII OF 1991

*A Bill further to amend the Code of Criminal Procedure, 1973.*

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1991.	Short title.
2. In section 125 of the Code of Criminal Procedure, 1973, in clause (d) of sub-section (1) for the words "five hundred rupees" the words "two thousand rupees" shall be substituted.	Amend- ment of section 125.

### STATEMENT OF OBJECTS AND REASONS

The Law Commission of India in its one Hundred Thirty-second Report dated April, 19, 1989 and laid on the Table of the Rajya Sabha on August 10, 1989 stressed the need for amending the provisions of Chapter IX of the Code of Criminal Procedure, 1973 in order to ameliorate the condition and mitigate the hardship and distress of neglected women, children and parents. The Commission's Chairman, Shri M. P. Thakkar in his letter submitting the Report to Government has stated that "the subject of the report reflects the genuine and deep concern of the community for the welfare and protection of the legitimate economic rights of the neglected wives, children and parents." The maximum amount of maintenance allowance that can be awarded under section 125 of the Code of Criminal Procedure, 1973 is 500 rupees per month. This statutory ceiling of 500 rupees was fixed in the year 1955 and was retained in the Code of Criminal Procedure, 1973. On account of the steep rise in the prices and cost of living, there is an immediate need to enhance this ceiling of 500 rupees.

The proposed Bill seeks to achieve these objectives.

SATYA PRAKASH MALAVIYA.

## IX

## BILL NO. XLVII OF 1991

*A Bill to provide for financial relief to indigent persons and for matters connected therewith.*

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:

1. (1) This Act may be called the Financial Relief to Indigent Persons Act, 1991

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, "indigent person" means and includes a physically handicapped person who is unfit for employment in any useful vocation or who is suffering from any incurable disease having nobody to support him and who has no independent source of livelihood.

Short title  
extent  
and  
commencement.

Definition.

**3. (1) Every indigent person shall be entitled to financial relief of rupees five hundred per month:**

Provided that the relief shall not be granted to any person who is already getting financial help to sustain himself from any other source.

(2) The amount of relief specified in sub-section (1) shall be subject to alteration according to the cost of living index.

**4. The financial relief specified in section 3 shall be disbursed by the Central and State Social Welfare Boards to the indigent persons**

Social  
Welfare  
Boards to  
disburse  
relief.

Central  
Govern-  
ment to  
adequate  
funds to  
Social  
Welfare  
Boards.

Appli-  
cation for  
granting  
relief.

**5. The Central Government shall by due appropriation, place at the disposal of the Central and State Social Welfare Boards adequate funds for granting relief to indigent persons under this Act.**

**6. An indigent person seeking financial relief shall make an application in the prescribed form to the Social Welfare Boards.**

**7. The Central Government may make rules for carrying out the purposes of this Act.**

Power to  
make  
rules.

### STATEMENT OF OBJECTS AND REASONS

There are lakhs of people all over the country living in indigent circumstances and others who are suffering from incurable diseases. They find nobody to support them and are in distress. There are other categories of persons who are also in distress and in helpless condition, like the physically handicapped persons. Welfare and well being of all such persons should be the country's prime concern. Government should, therefore, undertake social welfare measures for taking care of all such persons.

Hence, this Bill.

SATYA PRAKASH MALAVIYA.

### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the grant of a monthly relief of rupees three hundred to an indigent person. Clause 3 of the Bill provides that the Central Government shall place at the disposal of the Central and the State Welfare Boards adequate funds for disbursing that relief. There is no precise estimate of the number of persons who will be eligible for such relief but their number will run into lakhs. It is estimated that about rupees one hundred fifty crores per year will be needed for providing relief to the persons in a helpless condition. This is a recurring expenditure and will be met from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The matters with respect to which rules may be made are matters of procedure or details. The delegation of the legislative power is, therefore, of a normal character.

THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1958

## X

## BILL NO. L OF 1991

A Bill further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the Ancient Monuments and Archaeological Sites and Remains (Amendment) Act, 1991.

Short title.

2. After section 3 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 the following section shall be inserted, namely:—

Insertion of new section 3A.

24 of 1958.

"3A. Notwithstanding anything in section 3 of this Act, Ram Janma Bhoomi—Babri Masjid Complex located in the city of Ayodhya of Faizabad District in the State of Uttar Pradesh shall also be deemed to be an ancient and historical monument of national importance for the purposes of this Act."

Ram  
Janma  
Bhoomi  
Babri  
Masjid  
Complex  
deemed  
to be a  
national  
import-  
tance.

## STATEMENT OF OBJECTS AND REASONS

Ramjanma Bhoomi-Babri Masjid situated at Ayodhya city in Faizabad District of Uttar Pradesh is an ancient national monument of historical importance. Of late it has become a subject of dispute and the controversy is still simmering. Unfortunate as it is, a section of the society is making use of religion and religious sentiments for political ends. Communal passion is spreading fast which is dangerous and may prove fatal for the unity and integrity of the country. It needs to be nipped in the bud.

The solution to the present controversy seems in declaring the Ramjanama Bhoomi—Babri Masjid as a complex of historical national importance. Thereafter, Archaeological Department of the Government of India can be entrusted to look after and maintain it as an importance relic of the past.

Hence, this Bill

SATYA PRAKASH MALAVIYA.

## XI

BILL No. XLII OF 1991

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1991.	Short title.
2. In article 81 of the Constitution in clause (1) sub-clause (a) for the words "by direct election" the words "in accordance with the system of proportional representation by means of the single transferable vote" shall be substituted.	Amend- ment of article 81.

## STATEMENT OF OBJECTS AND REASONS

It is proposed that elections to Parliament, State Legislature and local bodies should be held on the basis of proportional representation and political parties submitting lists of candidates for the seats to be filled up. The whole State may be divided into multiple constituencies of not less than ten members each. Each party shall get its representatives elected in proportion to the votes it polled and the number of candidates in the order of priority in their list shall be declared as elected according to their voting strength.

It is common knowledge that since the inception of the Constitution and because of the present electoral system, different political parties do not get the number of seats in legislatures proportionate to the votes polled in their favour and parties on the basis of a minority of votes varying from 35 to 45 per cent have been getting 75 to 80 per cent of the seats. Thus, the will of the people and democracy are denied and the people's verdict is distorted. To prevent such a gross distortion of the People's will, the only correct method is election by proportional vote and on the basis of party list.

Hence the Bill.

M. A. BABY

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SUDARSHAN AGARWAL,  
*Secretary-General.*